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**JAN 08 2007**

**OFFICE OF PETITIONS**

In re Patent No. 6,281,035 :  
Issued: August 28, 2001 :  
Application No. 08/937,721 : ON PETITION  
Filed: September 25, 1997 :  
Atty. Dkt. No.: NREL-96-48 :

This is a decision on the petition under 37 CFR 1.377, filed December 7, 2006.

The petition under 37 CFR 1.377 is **GRANTED**.

The patent issued August 28, 2001. The grace period for paying the 3.5 year maintenance fee expired August 28, 2005.

Petitioner states the 3.5 year maintenance fee was timely submitted on or about February 2005. In support of this statement, petitioner has submitted a copy of a maintenance fee transmittal. Petitioner argues that the Office refused acceptance of the maintenance fee because Office records indicated that the entity status of the patent was that of large entity and that the maintenance fee was submitted in small entity amount.

Petitioner indicates that a statement of small entity status was submitted October 8, 1999 and has submitted a copy of the statement of small entity status.

Petitioner's arguments have been carefully considered and found convincing. While the notice regarding small entity status was received on or about October 1999, it does not appear that the change of entity status was entered into Office databases. This oversight has since been corrected.

The small entity maintenance fee of \$450.00 has been charged to petitioner's deposit account as authorized.

Patent No. 6,281,035

2

Accordingly, the maintenance fee previously applied to the incorrect patent has been transferred to U.S. Pat. No. 6,281,035, with an indicated PTO receipt date of February 15, 2005.

This decision constitutes notification of acceptance for the first maintenance fee.

Since the error in patent identification was that of patentee, the required petition fee has been assessed.

Telephone inquiries concerning this matter may be directed to the undersigned at 571-272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', is written over the printed name.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions